

10/518366 #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DTOT Rec'd PCT/F... 17 DEC 2004

Application No. : Not yet assigned Confirmation No.: Not yet assigned
Applicant(s) : Robert JAMES-HERBERT
Filed : December 17, 2004
TC/A.U. : Not yet assigned
Examiner : Not yet assigned

Docket No. : 87036-0003
Customer No. : 24633

Mail Stop: BOX PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The USPTO has waived the requirements under 37 CFR 1.98 (a)(2)(I) to submit copies of U.S. patent and U.S. patent applications, publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003, and International Application that have entered the National Stage under 37 USC 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to PRE-OG Notice from the Office of Patent Legal Admin dated July 25, 2003, stating an Information Disclosure Statements may

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be filed without copies of U.S. patents and published applications for patent applications filed after June 30, 2003.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached International Search Report dated August 27, 2003, in counterpart International Application No. PCT/AU03/00754.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Dated: December 17, 2004

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<p>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use several sheets if necessary)</p>	<p>ATTY. DOCKET NO.</p> <p style="text-align: center;">87036-0003</p>	<p>APPLICATION NO. 107518366</p> <p>Not yet assigned</p>
	<p>APPLICANTS</p> <p style="text-align: center;">Robert JAMES-HERBERT</p>	
	<p>FILING DATE</p> <p style="text-align: center;">December 17, 2004</p>	<p>GROUP</p> <p style="text-align: center;">Not yet assigned</p>

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	5,252,068	Gryder			
	A2	5,908,300	Walker et al.			
	A3	6,000,942	Hogue et al.			
	A4	6,052,114	Morifuji			
	A5	5,431,569	Simpkins et al.			
	A7	5,947,824	Minami et al.			
	A8	6,270,414 B2	Roelofs			
	A9	5,860,861	Lipps et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					Yes	No

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		International Search Report dated August 27, 2003 for International Application No. PCT/AU03/00754.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.